

REMARKS

Claims 1-4 are pending. By this Amendment, claim 1 is amended, claim 4 is cancelled and claims 5 and 6 are added. Support for this Amendment can be found in the original specification as filed, including, for example, paragraphs [28] and [0040 at Table 1]. As such, no new matter is believed to be added by way of this Amendment.

Claim Rejections – 35 U.S.C. § 103(a) over Ikeda et al.

In the July 8, 2009 Office Action, the previous rejections of claims 1-4 in view of Ikeda et al. (JPO 2003-184902 or JP 2005-014499) were maintained over Applicants' arguments on the basis that an intervening reference and the previous rejections based on Ikeda et al. are still applicable without "*submission of an English translation for the documents to which foreign priority is being claimed.*" (O.A. ¶ 1.)

Pursuant to the Examiner's request for an English language translation of the non-English language foreign application, Applicants hereby submit, pursuant to 37 CFR 1.55, the attached Declaration of Noriaki Ito with an English language translation of Japanese Apatent Application No. 2004-076516, which was filed on March 17, 2004. As stated in the attached Declaration, the English language translation is believed to be true and correct. Accordingly, since the Ikeda et al. reference is not a prior art reference to the claimed invention, Applicants respectfully request withdrawal of the maintained rejections of claims 1-3 in view of Ikeda et al., as a *prima facie* case of obviousness has not been established.

Claim Rejections – 35 U.S.C. § 103(a) over Mukai et al.

In the July 8, 2009 Office Action, new grounds of rejection of claims 1-4 were added. Specifically, claims 1-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 09-169897 to Mukai et al. in view of U.S. Patent 5,605,981 to Imamura et al. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mukai et al. in view of Imamura et al., and further in view of JP 2001-303489 to Kashiwai et al. By way of this Amendment, Applicants have amended independent claim 1 to more clearly define the invention and advance prosecution, and Applicants respectfully traverse the rejection in light of the amendment to independent claim 1.

The presently claimed invention in independent claim 1 recites:

A method for manufacturing a molded woody article, comprising:
compression molding a base material containing wood fibers, polylactic acid fibers and an inorganic filler at a temperature not less than a melting point of said polylactic acid fibers; and

maintaining said molded base material at a temperature close to a crystallization temperature of said polylactic acid fibers for a desired period of time, thereby crystallizing the polylactic acid fibers,

wherein in the compression molding step, the base material is prepared such that a ratio of the wood fibers to the polylactic acid fibers is in a range of 7:3 to 5:5 by weight and a ratio of the inorganic filler to the polylactic acid fibers is in a range of 0.1 to 5% by weight.

These claim limitations clarify that the presently claimed method provides polylactic acid fibers that can be reliably crystallized in a short period of time. Specifically, as stated in the original specification, the amount of the inorganic filler preferably between 0.1 to 5% by weight in order to increase the crystallization speed while maintaining the preferred weight and durability of the

molded article. As a result, the method for manufacturing a molded woody article that contains the reliably crystallized polylactic acid fibers can be formed in a short period of time.

In contrast, the cited references, whether considered individually or in combination, do not provide all the limitations of independent claim 1 as amended. For example, neither Mukai et al., Imamura et al., nor Kashiwai et al. disclose, teach or suggest the preparation of the base material in a ratio of the wood fibers to the polylactic acid fibers that ranges from 7:3 to 5:5 by weight and a ratio of the inorganic filler to the polylactic acid fibers that ranges from 0.1 to 5% by weight. In fact, as admitted in the July 8, 2009 Office Action, Mukai et al. does not even disclose the use of an inorganic filler at all, much less the claimed ratio of an inorganic filler to polylactic acid fibers. Much like Mukai et al., Kashiwai et al. also does not even disclose the use of an inorganic filler at all, much less the claimed ratio of an inorganic filler to polylactic acid fibers. And Imamura et al. while generally mentioning that an inorganic filler may be incorporated into a high molecular lactic copolymer polyester during the formation of a sheet or film, Imamura et al. does not disclose the claimed ratio of the inorganic filler with respect to the polylactic acid fibers.

Thus, a *prima facie* case of obviousness has not been established, as the cited references, individually or in combination, do not teach or suggest all of the features included in independent claim 1 as amended. If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837, F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, Applicant is not presenting additional arguments with respect to the patentability of the dependent claims, although Applicant does not acquiesce to any of the rejections and reserves the right to raise additional arguments with respect to the patentability of

such claims. As all remaining pending claims depend directly or indirectly from one of the subject claims, Applicant respectfully requests that the rejections under §103 be withdrawn. Also, because a *prima facie* case of obviousness has not been established, Applicant does not comment further here on the suitability of combining or modifying the cited references. Thus, reconsideration and withdrawal of the rejection of claims 1-3 is respectfully requested.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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